IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO : 15718 of 2003

Between:

Vanacharla Satyanarayana, S/o. Venkanna,
Rajupalem Village, Mummidivaram Mandal,
East Godavari District

... PETITIONER

AND

1. Revenue Divisional Officer, Amalapuram Division,

   Amalapuram, East Godavari District.
2 Mandal Revenue Officer, Mummidivaram Mandal,

   Mummidivaram, East Godavari District
3 Sri Venkateswara Swamy Temple,

   Tanelanka, Mummidivaram Mandal,

   East Godavari District, rep. by its Executive Authority

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of Writ of mandamus declaring the action of the respondents 1 & 2 in taking steps to disposes the petitioner from the possession and enjoyment of the land admeasuring Ac.0.88 cents in survey No. 70/1 of Mummidivaram Village & Mandal, East Godavari District as illegal and unjust and violative of fundamental and statutory rights available to the petitioner and consequently direct the respondents to drop further proceedings in this regard

Counsel for the Petitioner: MR.T.V.S.PRABHAKARA RAO

Counsel for the Respondent Nos.1&2 : GP FOR LAND ACQUISITION

Counsel for the Respondent No.3: NOT APPEARED.

The Court made the following :

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ORDER:

The petitioner claims to be the cultivating tenant of the land admeasuring Ac.0-88 cents in Sy.No.70/1 of Mummidivaram village. The said land belongs to Sri Venkateswaraswamy Temple, the third respondent herein. Apprehending that respondents 1 and 2 might forcibly take possession of the land from the petitioner, he filed the present writ petition seeking a declaration that the action of the respondents 1 and 2, viz., Revenue Divisional Officer, Amalapuram and Mandal Revenue Officer, Mummidivaram, in taking possession of the land forcibly, is illegal and arbitrary, especially when the application made by the petitioner before the jurisdictional Assistant Commissioner, under Section 82 (2) of Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short "the Act") is pending.

In the counter affidavit filed by the first respondent, it is stated that respondents 1 and 2 have not initiated any action for taking possession of the land of the petitioner nor taken any steps for acquiring the said land. Therefore, it must be held that the writ petition is filed on mere apprehension. If the petitioner is claiming any right under Section 82 of the Act, he may approach the appropriate authority. In this writ petition, having regard to the relief prayed, no such direction can be issued.

The writ petition, with the above observations, is dismissed. No costs.

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(V.V.S.RAO, J)

25th October, 2004.

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To

1. The Revenue Divisional Officer,

   Amalapuram Division, Amalapuram, East Godavari

   District.

2. The Mandal Revenue Officer,

   Mummidivaram Mandal, Mummidivaram,

   East Godavari District.

3. The Executive Authority,

   Sri Venkateswara Swamy Temple,

   Tanelanka, Mummidivaram Mandal,

   East Godavari District.

4. Two C.Cs to the Govt.Pleader for Revenue,

   High Court buildings, Hyderabad. (OUT)

5. Two C.D. copies.